

James J. Rufo, Esq.
Garvey, Tirelli & Cushner, Ltd.
50 Main Street, Suite 390
White Plains, NY 10606
T: 914-946-2200 / F: 914-946-1300
jrufo@thegcafirm.com

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION**

-----X

In re:

Gerald J. Casesa,

Chapter 11

Case No. 15-36684 (CGM)

Debtor

-----X

**MOTION FOR AN ORDER (A) APPROVING THE DISCLOSURE STATEMENT,
(B) ESTABLISHING SOLICITATION, VOTING AND TABULATION
PROCEDURES, (C), ESTABLISHING PROCEDURES FOR FILING
OBJECTIONS TO CONFIRMATION (D) SCHEDULING A HEARING
ON CONFIRMATION AND (E) GRANTING RELATED RELIEF**

**TO: THE HONORABLE CECELIA G. MORRIS,
CHIEF UNITED STATES BANKRUPTCY JUDGE**

Gerald J. Casesa (“Debtor”) the debtor and debtor-in-possession herein, by his attorneys,
Garvey, Tirelli & Cushner, Ltd., and for his motion (the “Motion”) for an order substantially in the
form annexed hereto as **Exhibit “A”** (the “Approval Order”) (A) approving the Disclosure Statement
With Respect to the Debtor’s Chapter 11 Plan (the “Disclosure Statement”); (B) establishing
solicitation, voting and tabulation procedures; (C) establishing procedures for filing objections to
confirmation of the Plan; (D) scheduling a hearing (the “Confirmation Hearing”) to consider
confirmation of the Debtor’s Chapter 11 Plan; (the “Plan”); and (E) granting related relief, respectfully
represents:

1. The Debtor submits this Motion pursuant to Rules 2002(b), 3017, 3018, 3020 and 9007
of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and sections 1125 and 1128 of
title 11 of the United States Code (the “Bankruptcy Code”).

2. The Debtor respectfully submits that the extensive Disclosure Statement contains adequate information so as to allow holders of claims to make an informed judgment as to whether to accept or reject the plan and accordingly should be approved by the Court.

INTRODUCTION

3. On September 14, 2015, (the “Filing Date”) the Debtor filed a voluntary petition for relief under chapter 11 of the United States Bankruptcy Code (the “Bankruptcy Code”).

4. The Debtor has continued in possession of his property and management of her affairs as a debtor-in-possession pursuant to 11 U.S.C. § 1107.

5. No committee of unsecured creditors, trustee or examiner has been appointed in the Debtor’s case.

6. The Debtor is an individual that owns and resides at 8 Roselawn Road, Highland Mills, NY 10930 (the “Primary Residence”).

7. The Debtor is the sole owner and operator of 219 Development LLC (“219 Development”) and the Debtor owns one hundred percent (100%) of the shares in said corporation. The Debtor also derives income from a commercial rental property.

8. On September 14, 2015, the Debtor filed and served an Application to Employ Garvey, Tirelli & Cushner, Ltd as Attorneys for the Debtor and Debtor-in-Possession on Presentment at ECF No. 7 (the “Application to Employ GTC”). On January 4, 2016, an Order Authorizing Gerald J. Casesa to Retain the Law Offices of Garvey, Tirelli & Cushner Ltd as Attorney for the Debtor and Debtor-in-Possession was entered on this Court’s docket at ECF No. 33.

9. On September 28, 2015, the Debtor filed and served a Loss Mitigation Request at ECF No. 14. On October 22, 2015, an Order Granting Loss Mitigation Request (the “Loss Mitigation Order”) was signed and on October 23, 2015, the Loss Mitigation Order was entered on this Court’s Docket at ECF No. 17. Service of the Loss Mitigation Order was effectuated on December 18, 2015 at ECF No. 26.

10. Through the Loss Mitigation process the Debtor was able to obtain a favorable loan modification on the Primary Residence. On June 14, 2016, the Debtor filed a Motion to Approve Loan Modification with Ocwen Loan Servicing, LLC on Presentment for July 1, 2016 at ECF No. 58 with service being effectuated on June 15, 2016 at ECF No. 59. On July 12, 2016, this Court entered an Order Granting Motion to Approve Loan Modification with Ocwen Loan Servicing, LLC at ECF No. 62. On August 2, 2016, an Order was entered terminating Loss Mitigation and Final Report at ECF No. 64.

11. On December 22, 2015, the Debtor filed and served a Motion to Set Last Day to File Proofs of Claim and Approving the Form and Manner of Notice thereof on Presentment for January 11, 2016 (the “Bar Date Motion”) at ECF No. 28. On January 12, 2016, this Court entered an Order Establishing Deadline for filing Proofs of Claim and Approving the Form and Manner of Notice thereof (the “Bar Date Order”) at ECF No 36. The General Bar Date February 18, 2016 and the Governmental Bar Date is March 18, 2016. Service of the Bar Date Order was effectuated on January 14, 2016 at ECF No. 38.

12. On August 22, 2016, the Debtor filed and served a motion (the “Motion to Expunge”) to expunge Proof of Claim No. 5, filed by Schoonmaker Homes – John Steinberg, Inc. “Schoonmaker” and/or “Steinberg”) and or in the alternative reclassifying Claim No. 5 as a general, non-priority unsecured claim at ECF No. 68.

13. On December 13, 2016, a Stipulation an Order of Settlement executed by the parties was signed and entered on this Court’s docket at ECF No. 87.

14. On December 2, 2016, the Debtor timely filed a Disclosure Statement at ECF No. 82. On December 2, 2016, the Debtor timely filed a Chapter 11 Plan of Reorganization at ECF No. 82.

15. By this Motion, the Debtor also seek entry of an order, substantially in the form annexed hereto as **Exhibit “A,”** (the “Approval Order”) (A) approving the Disclosure Statement With Respect to the Debtor’s Chapter 11 Plan (the “Disclosure Statement”); (B) establishing solicitation, voting and tabulation procedures; (C) establishing procedures for filing objections to confirmation of the Plan; (D) scheduling a hearing (the “Confirmation Hearing”) to consider confirmation of the Debtor’s Chapter 11 Plan; (the “Plan”); and (E) granting related relief.

NOTICE

16. Rules 2002(b) and 3017 of the Federal Rules of Bankruptcy Procedure require that all of the Debtor’s creditors and equity security holders be given at least twenty-eight (28) days’ notice by mail of the hearing and the time to file objections to the Disclosure Statement. Notice of this Motion (together with a copy of the proposed Approval Order), Disclosure Statement and the Chapter 11 Plan have been served upon the Office of the United States Trustee. In addition, a Notice of Hearing on the Disclosure Statement has been served upon (a) all persons listed in the Debtor’s Schedules of Assets and Liabilities (the “Schedules”) as holding claims against the Debtor or her property, (b) all persons and/or entities not listed on the Schedules who have filed proofs of claim in this case, (c) the Internal Revenue Service, (d) the United States Attorney for the Southern District of New York, (e) all state and local taxing authorities in which the Debtor conducted business, and (f) all parties having filed a notice of appearance in this case. The Debtor submits that such notice satisfies the requirements of the Bankruptcy Code, Bankruptcy Rule 2002 and the Local Rules of this Court.

17. No prior written request for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Debtor respectfully requests that this Court enter the attached Order (A) approving the Disclosure Statement With Respect to the Debtor’s Chapter 11 Plan (the “Disclosure Statement”); (B) establishing solicitation, voting and tabulation procedures; (C) establishing procedures for filing objections to confirmation of the Plan; (D) scheduling a hearing (the

(E) granting related relief.

Date: White Plains, New York
January 31, 2017

Garvey, Tirelli & Cushner, Ltd.
Attorneys for Gerald J. Casesa

By: /s/ James J. Rufo
James J. Rufo, Esq.
50 Main Street, Suite 390
White Plains, New York 10606
(914) 946-2200 / (914) 946-1300
jrufo@thegcafirm.com